

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 19, 2005

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning

AGENDA ITEM WORDING:

Public hearing to consider adopting an Ordinance to amend the Monroe County Land Development Regulations to create a definition for Master Planned Community, eliminate Section 9.5-231 and provide an exception to the conditional use approval process for Master Planned Community of one hundred acres or greater providing that all other review and approval procedures for as of right uses are followed.

[One public hearing required]

ITEM BACKGROUND:

The Monroe County Planning staff is proposing the attached amendments to the Monroe County Land Development Regulations to create a stream lined review process for an approved Master Planned Community of at least one hundred acres. These communities are self contained and provide their own roads and services. Uses within the community boundaries, proposed and approved by the community authority are presumed to be appropriate for the site and there is no reason to require a conditional use review to determine there appropriateness. This amendment will result in reduced review time while insuring that the remaining requirements of the Code are met.

PREVIOUS RELEVANT BOCC ACTION:

.none

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No ☐ AMOUNT PER MONTH N/A Year ☐

APPROVED BY: County Atty X OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:


(Timothy J. McGarty, AICP)

DOCUMENTATION: Included X To Follow ☐ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

xmc

ORDINANCE NO. 2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO CREATE A DEFINITION FOR MASTER PLANNED COMMUNITY IN SECTION 9.5-4(M-6.1), ELIMINATE CERTAIN OBSOLETE AND SUPERFLUOUS PROVISIONS OF SECTION 9.5-231 AND PROVIDE AN EXCEPTION TO THE DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS FOR LARGE SCALE, MASTER PLANNED COMMUNITIES; PROVIDING THAT ALL CONDITIONAL USES WITHIN A MASTER PLANNED COMMUNITY OF GREATER THAN 100 ACRES ARE REVIEWED AND APPROVED IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES FOR PERMITTED AS OF RIGHT USES; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES;

WHEREAS, the Monroe County Board of County Commissioners during a public hearing on October 19, 2005 reviewed and considered the proposed amendment to the Land Development Regulations to create a definition for Master Planned Communities of 100 acres or greater and provide an exception to the land development regulations review procedures for a conditional use provided that all other provisions of the LDR are met.

WHEREAS, large scale, master planned developments are self-contained communities, with an organizational entity having the authority to enforce development standards of the community beyond those required by Monroe County in its Land Development Regulations; and

WHEREAS, these self-contained, large scale master planned communities provide comprehensive, private utility services, and transportation facilities and services within their boundaries and are gated, where all public access is controlled; and

WHEREAS, the intensity and density of development within these master planned communities are controlled through a master plan approved by Monroe County; and

WHEREAS, the impacts of development on the existing community and infrastructure facilities are predominately contained within the boundaries of these large scale planned communities; and

WHEREAS, standards and review procedures commonly applied to proposals within unincorporated Monroe County are often less applicable within a master planned community with a formulized internal project review process; and

WHEREAS, the requirement for conditional use approval for development within large scale master planned communities is cumbersome, costly for both the applicant and Monroe County, and needlessly prolongs the approval process without tangible, commensurate benefits for the public's health, safety, and welfare; and

WHEREAS, the Planning and Environmental Resources Department has prepared this amendment to the LDR and recommend approval of the proposed amendment to the Board of County Commissioners; and

WHEREAS, during a regularly scheduled meeting held on September 28th, 2005, the Planning Commission after conducting a public hearing and recommended approval of the proposed amendment to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has reviewed the proposed amendments to the Land Development Regulations recommended by the Planning Commission and the Planning and Environmental Resources Department to create a definition for master planned community in section 9.5-4(m-6.1), to eliminate certain obsolete and superfluous provisions of section 9.5-231 and provide an exception to the development review procedures and requirements for large scale, master planned communities; providing that all conditional uses within a master planned community of greater than 100 acres are reviewed and approved in accordance with the criteria and procedures for permitted as of right uses; and,

WHEREAS, the Board of County Commissioners finds the proposed amendments are consistent with and further the goals, objectives and policies of the Year 2010 Comprehensive Plan;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. Section 9.5-4 (M-6.1), Monroe County Code, is hereby renumbered to Section 9.5-4 (M-6.2) and Section 9.5-4 (M-6.1) is hereby renumbered to Section 9.5-4(M-6.3).

Section 2. New Section 9.5-4 (M-6.1), Monroe County Code, is hereby created that reads as follows:

“(M-6.1), Master planned community means any master planned community subject to a master plan or other development order approved by Monroe County where public access is restricted and the community is operated and maintained by the community including the provision of comprehensive, private utilities and transportation facilities and services within its boundaries and a homeowners association or similar entity which regulates development standards and monitors development requests by its members.”

Section 3. Section 9.5-231(b) is hereby amended as follows:

“(b), Notwithstanding any provision of this division, all development listed as permitted as of right within a mapped land use district with an area of one (1) acre or less, other than a commercial fishing district, shall be considered as a minor conditional use. Notwithstanding

any provision of this division, all development listed as a conditional use within a master planned community of one-hundred or more acres in area, shall be reviewed and processed as a use permitted, as of right. A pre-application conference shall be required prior to the submittal for development approval listed as a conditional use.

Section 4. Delete Section 9.5-231(c).

Section 5. Section 9.5-231(d) is hereby renumbered as Section 9.5-231(c).

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 8. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 9. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 10. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

Section 11. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Code.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the ____ day of _____, A.D. , 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Murray E. Nelson _____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor/Chairperson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK



MEMORANDUM

To: The Board of County Commissioners

From: K. Marlene Conaway, Director 

Date: September 28, 2005

RE: A Text Amendment Regarding Gated Communities That Are Over 100 Acres

INTRODUCTION:

The Monroe County Planning staff are proposing the attached amendments to the Monroe County Land Development Regulations to create a definition for Master Planned Community in Section 9.5-4(M-6.1), eliminate certain obsolete and superfluous provisions of Section 9.5-231 and provide an exception to the development review procedures and requirements for large scale master planned communities providing that all conditional uses within a master planned community of greater than 100 acres are reviewed and approved in accordance with the criteria and procedures for permitted as of right uses.

BACKGROUND INFORMATION

- Large scale, master planned developments are self-contained communities, with an organizational entity having the authority to enforce development standards of the community beyond those required by Monroe County in it's Land Development Regulations; and
- These self-contained, large scale master planned communities provide comprehensive, private utility services, and transportation facilities and services within their boundaries and are gated, where all public access is controlled; and
- The intensity and density of development within these master planned communities are controlled through a master plan approved by Monroe County; and
- The impacts of development on the existing community and infrastructure facilities are predominately contained within the boundaries of these large scale planned communities; and
- Standards and review procedures commonly applied to proposals within unincorporated Monroe County are often less applicable within a master planned community with a formulized internal project review process; and

- The requirement for conditional use approval for development within large scale master planned communities is cumbersome, costly for both the applicant and Monroe County, and needlessly prolongs the approval process without tangible, commensurate benefits for the public's health, safety, and welfare.

ANALYSIS

In recognition of the above factors, staff believes the requirements for conditional use approval for development within large scale master planned communities is not necessary to determine that the use is appropriate for the community and the development review process will insure the remaining requirements of the LDR are met.

RECOMMENDED ACTION:

Based on the Findings of Fact and Conclusions of Law above, the Planning Staff recommends **APPROVAL** to the Monroe County Planning Commission.



MONROE COUNTY, FLORIDA
RESOLUTION D19-05

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE PLANNING COMMISSION ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO CREATE A DEFINITION FOR MASTER PLANNED COMMUNITY IN SECTION 9.5-4(M-6.1); ELIMINATE CERTAIN OBSOLETE AND SUPERFLUOUS PROVISIONS OF SECTION 9.5-231 AND PROVIDE AN EXCEPTION TO THE DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS FOR LARGE SCALE, MASTER PLANNED COMMUNITIES; PROVIDING THAT ALL CONDITIONAL USES WITHIN A MASTER PLANNED COMMUNITY OF GREATER THAN 100 ACRES ARE REVIEWED AND APPROVED IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES FOR PERMITTED AS OF RIGHT USES; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES.

WHEREAS, large scale, master planned developments are self-contained communities, with an organizational entity having the authority to enforce development standards of the community beyond those required by the County in its Land Development Regulations; and

WHEREAS, these self-contained, large scale master planned communities provide comprehensive, private utility services, and transportation facilities and services within their boundaries and are gated, where all public access is controlled; and

WHEREAS, the intensity and density of development within these master planned communities are controlled through a master plan approved by Monroe County; and

WHEREAS, the impacts of development on the existing community and infrastructure facilities are predominately contained within the boundaries of these large scale planned communities; and

WHEREAS, standards and review procedures commonly applied to proposals within unincorporated Monroe County are often less applicable within a master planned community with a formulized internal project review process; and

WHEREAS, in recognition of the above factors, the requirement for conditional use approval for development within large scale master planned communities is cumbersome, costly for both the applicant and the County, and needlessly prolongs the approval process without tangible, commensurate benefits for the public's health, safety, and welfare; and

WHEREAS, the Development Review Committee (DRC) of Monroe County, Florida met to review the text amendment on September 6, 2005; and

WHEREAS, the Development Review Committee reviewed the following information relevant to the request for a Major Conditional Use:

Report reviewed:

- Draft ordinance of proposed text amendment

Comments:

- Comments made by members of the Development Review Committee

WHEREAS, the Director of Planning has duly considered the recommendation of the Development Review Committee; and

WHEREAS, the record established, the testimonies offered, and the evidence submitted, support the Findings of Fact and Conclusions of Law, adopted by the Development Review Committee; and

WHEREAS, the Development Review Committee adopted the following **Findings of Fact and Conclusions of Law**:

1. If the required pre-application conference reveals that the proposed projects will be a Development of Regional Impact (DRI), then the applicant shall conform to Monroe County Code (MCC), Section 9.5-68(d). This section requires the notification of real property within 300 feet of the site and publication of request in the local newspapers.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, to **APPROVE** the request with the following conditions:

1. Section 9.5-231(b) shall be additionally amended to require public notice and advertising for requests that involve Developments of regional impact.

PASSED AND ADOPTED by the Development Review Committee of Monroe County, Florida, at a regular meeting held on the 6th day of September, 2005.

Aref Joulani, DRC Chair	<u>Yes</u>
Beth Lafleur, Island Planning Team Director	<u>Yes</u>
Jeff Stuncard, Principal Planner	<u>Yes</u>
Clarence Feagin, Monroe County Planner	<u>Yes</u>
Department of Health (by FAX)	<u>Yes</u>
Department of Public Works (by FAX)	<u>Yes</u>
Department of Engineering (by FAX)	<u>Yes</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY,
FLORIDA

BY _____
Aref Joulani, DRC Chair

Signed this ____ day of _____, 2005.

ORDINANCE NO. 2005

AN ORDINANCE BY THE MONROE COUNTY PLANNING COMMISSIONERS RECOMMENDING ADOPTION TO THE BOARD OF COUNTY COMMISSIONERS OF AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO CREATE A DEFINITION FOR MASTER PLANNED COMMUNITY IN SECTION 9.5-4(M-6.1), ELIMINATE CERTAIN OBSOLETE AND SUPERFLUOUS PROVISIONS OF SECTION 9.5-231 AND PROVIDE AN EXCEPTION TO THE DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS FOR LARGE SCALE, MASTER PLANNED COMMUNITIES; PROVIDING THAT ALL CONDITIONAL USES WITHIN A MASTER PLANNED COMMUNITY OF GREATER THAN 100 ACRES ARE REVIEWED AND APPROVED IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES FOR PERMITTED AS OF RIGHT USES; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES;

WHEREAS, the Monroe County Planning Commission during a public hearing on September 28, 2005 reviewed and considered the proposed amendment to the Land Development Regulations to create a definition for Master Planned Communities of 100 acres or greater and provide an exception to the land development regulations review procedures for a conditional use provided that that all other provisions of the LDR are met.

WHEREAS, large scale, master planned developments are self-contained communities, with an organizational entity having the authority to enforce development standards of the community beyond those required by Monroe County in it's Land Development Regulations; and

WHEREAS, these self-contained, large scale master planned communities provide comprehensive, private utility services, and transportation facilities and services within their boundaries and are gated, where all public access is controlled; and

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WHEREAS, the requirement for conditional use approval for development within large scale master planned communities is cumbersome, costly for both the applicant and Monroe County, and needlessly prolongs the approval process without tangible, commensurate benefits for the public's health, safety, and welfare; and

WHEREAS, the Planning and Environmental Resources Department has prepared this amendment to the LDR and recommend approval of the proposed amendment to the Planning Commission; and

WHEREAS, during a regularly scheduled meeting held on September 6th, 2005, the Development Review Committee after review and discussion recommended approval of the proposed amendment to the Planning Commission; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Land Development Regulations recommended by the Development Review Committee and the Planning and Environmental Resources Director to create a definition for master planned community in section 9.5-4(m-6.1), to eliminate certain obsolete and superfluous provisions of section 9.5-231 and provide an exception to the development review procedures and requirements for large scale, master planned communities; providing that all conditional uses within a master planned community of greater than 100 acres are reviewed and approved in accordance with the criteria and procedures for permitted as of right uses; and,

WHEREAS, the Planning Commission finds the proposed amendments are consistent with and further the goals, objectives and policies of the Year 2010 Comprehensive Plan;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Board of County Commissioners of the amendments to the Land Development Regulations as follows:

Section 1. Renumber Section 9.5-4 (M-6.1), Monroe County Code, to Section 9.5-4 (M-6.2) and Section 9.5-4 (M-6.1) to Section 9.5-4(M-6.3).

Section 2. Create New Section 9.5-4 (M-6.1), Monroe County Code, that reads as follows:

"(M-6.1), Master planned community means any master planned community subject to a master plan or other development order approved by Monroe County where public access is restricted and the community is operated and maintained by the community including the provision of comprehensive, private utilities and transportation facilities and services within its boundaries and a homeowners association or similar entity which regulates development standards and monitors development requests by its members."

Section 3. Amend Section 9.5-231(b) as follows:

~~"(b), Notwithstanding any provision of this division, all development listed as permitted as of right within a mapped land use district with an area of one (1) acre or less, other than a commercial fishing district, shall be considered as a minor conditional use. Notwithstanding~~

any provision of this division, all development listed as a conditional use within a master planned community of one-hundred or more acres in area, shall be reviewed and processed as a use permitted, as of right. A pre-application conference shall be required prior to the submittal for development approval listed as a conditional use.

Section 4. Delete Section 9.5-231(c).

Section 5. Renumber Section 9.5-231(d) as Section 9.5-231(c).

PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida at a regular meeting held on the 28th day of September 2005.

Chair Lynn Mapes	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner Randy Wall	<u>YES</u>
Commissioner Julio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
Lynn Mapes, Chair

Signed this _____ day of _____, 20045